

PATENT
10003993-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Douglas L. Voigt

Serial No.: 09/819,265

Filed: March 27, 2001

FOR: METHOD AND APPARATUS FOR
PROVIDING FILE SYSTEM
ACCESS TO A DISK ARRAY

Mail Stop 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit: 2171

Examiner: Marc R. Filipczyk

Via Facsimile: 571-273-0025

FAX RECEIVED**JAN 19 2005****OFFICE OF PETITIONS****PETITION TO WITHDRAW APPLICATION FROM ISSUE**

The Applicant respectfully requests that the above-identified application be withdrawn from issue under 37 C.F.R. §1.313(c)(2) in view of the following showing.

On October 12, 2004, Applicant filed an Amendment Under 37 C.F.R. §1.312 in the above-identified case. On January 4, 2005, the U.S. Patent and Trademark Office issued a Response to Rule 312 Communication indicating that the amendments filed in the §1.312 Amendment would not be entered because the amendment changed the scope of the claims.

Applicant requests the application be withdrawn from issue and requests continued examination under Rule 1.114 so that the above-mentioned amendment originally submitted on October 12, 2004, may be entered in the case. Applicant is concurrently filing a Request for Continued Examination (RCE) under Rule 1.114. The RCE is attached hereto.

Applicant encloses Credit Card Payment Form (PTO-2038) authorizing a charge in the amount of \$920.00 to cover the fee under 37 C.F.R. § 1.17(h) (\$130) for this petition and the fee under 37 C.F.R. §1.114 for the RCE application (\$790). If any additional fee is required in

connection with this petition or RCE application, or to credit any overpayment, please use deposit account No. 50-3227 (Our File No. 1070.1014).

Respectfully submitted,

The Culbertson Group, P.C.

Dated: January 19, 2005

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 1-571-273-0025 on January 19, 2005.

Russell D. Culbertson, Reg. No. 32,124 